

## REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is submitted concurrently with a Request for Continued Examination (RCE), and is responsive to the Final Office Action of October 31, 2007, in which claims 1-7 and 9-11 are presently pending. Of those, claims 1-5 are now rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,475,122 to Green. Claims 6 and 9 are rejected under U.S.C. §103(a) as being unpatentable over Green, in view of U.S. Patent 6,801,825 to Utsonomyia. In addition, claim 7 is rejected under U.S.C. §103(a) as being unpatentable over Green, in view of U.S. Patent 4,327,292 to Wang, et al. Finally, claims 10 and 11 are rejected under U.S.C. §103(a) as being unpatentable over Green, in view of U.S. Patent 6,276,957 to Yasuda, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

Claim 1 has been amended to more particularly point out that in locating a first point of interest on the patterned substrate, the first point of interest is within a single die of a semiconductor wafer. Support for this amendment is found at least in paragraph [0029] of the specification and in Figure 4 of the drawings. In the Green reference, “a first point of interest” is found by the Examiner to be met by an alignment mark (target 36, Figure 1) adjacent to a die in Green (which is also taught by the Applicant as prior art).

In addition, claim 1 is amended to further define the term “periodicity” as suggested by the Examiner in the telephone interview of September 7, 2007. As indicated in paragraphs [0030] - [0035] of the specification, the periodicity corresponds to the scan area of a raster movement used in locating the first unique feature proximate the first point of interest. Upon moving to a second area on the patterned substrate, the defined periodicity is used to scan the second area to locate the second unique feature proximate the second point of interest. In contrast, the Examiner indicates the claim term

“periodicity” as being simply met in Green by the periodicity of the dies/chips themselves on the wafer, having fixed distances therebetween.

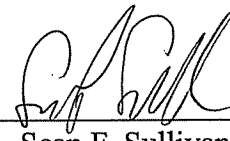
Thus amended, the claims now define over Green, which teaches using probabilistic or “most likely target positions” for automatic alignment, not by using a defined periodicity (which is the resulting scan area of a raster movement used in locating a first unique feature proximate a first point of interest) to locate a subsequent second unique feature proximate a second area of interest. Further, the first point of interest is on a die of the semiconductor wafer, not an alignment mark adjacent a die.

Therefore, because neither Green nor any of the other references of record teach each and every element of the pending claims, as now amended, the claims are neither anticipated by Green nor rendered obvious over the same, and it is respectfully submitted that the claims are now patentable over the references of record. Applicants also note that claim 7 is now cancelled.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicant's attorneys.

Respectfully submitted,  
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